

Figure 11, and the S4.5.1(e)(3) removable label on dash identified in Figure 12. Instead, the affected vehicles were equipped with the “pre-advanced”

air bag warning labels, specifically the FMVSS No. 208 S4.5.1(b)(1) sun visor label identified in Figure 6a, and the S4.5.1(e)(1) removable label on dash

identified in Figure 7. This is shown as follows:

#### SUN VISOR LABEL

Required Label: S4.5.1(b)(3) Figure 11 WARNING—EVEN WITH ADVANCED AIR BAGS Children can be killed or seriously injured by the air bag The back seat is the safest place for children Never put a rear-facing child seat in front Always use seat belts and child restraints See owner's manual for more information about air bags	Noncompliant Label: S4.5.1(b)(1) Fig. 6a. WARNING—DEATH or SERIOUS INJURY can occur. Children 12 and under can be killed by the air bag. The BACK SEAT is the SAFEST place for children. NEVER put a rear-facing child seat in front. ALWAYS use SEAT BELTS and CHILD RESTRAINTS. Sit as far back as possible from the air bag.
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#### REMOVABLE LABEL ON DASH

Required Label: S4.5.1(e)(3) Figure 12 This Vehicle is Equipped with Advanced Air Bags Even with Advanced Air Bags. Children can be killed or seriously injured by the air bag The back seat is the safest place for children Never put a rear-facing child seat in the front. Always use seat belts and child restraints See owner's manual for more information about air bags..	Noncompliant Label: S4.5.1(e)(2) Figure 7. WARNING.  Children Can be KILLED or INJURED by Passenger Air Bag The back seat is the safest place for children 12 and under.  Make sure all children use seat belts or child seats.
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BMW has corrected the problem that caused these errors so that they will not be repeated in future production.

BMW believes that the noncompliance is inconsequential to motor vehicle safety and that no corrective action is warranted. BMW states that the labels it actually used are “more stringent” and “more emphatic, which would lead a consumer to act in a more cautious manner, and not in a less safe manner.” BMW says,

The difference in the warning message texts between the labels clearly indicates that the warning message on the affected vehicles' labels is stricter when compared to the advanced air bag labels. Therefore, even though the labels are incorrect, they would not result in a decrease in the safety message. Rather, they provide an increased emphasis.

BMW further states that the vehicles are equipped with passenger air bag telltale lamps, and therefore the owners will know from these lamps that the vehicles are equipped with an advanced air bag system.

BMW also says,

\* \* \* [T]he Owners Manual of the affected vehicles contains a description of the advanced air bag system including a description of the passenger air bag system telltale lamp. Owners who consult the Owners Manual will be able to read a description of the advanced air bag system along with a description of the passenger air bag system telltale lamp. Therefore, owners will know from their Owners Manual that their vehicle is equipped with a FMVSS 208 advanced air bag system.

BMW states that it has no record that customers contacted the company with inquiries, complaints, or comments on the air bag warning labels.

NHTSA agrees with BMW that the noncompliance is inconsequential to motor vehicle safety. The noncompliant labels lack a statement that the vehicle is equipped with advanced airbags. However, as BMW points out in its petition, both the passenger air bag telltale lamp and the owner's manual indicate the presence of advanced airbags.

Except for indicating that the vehicle is equipped with advanced airbags, the noncompliant permanent sun visor label contains virtually the same information as required by S4.5.1(b)(3). Therefore, there is no degradation of safety resulting from the sun visor label.

The noncompliant removable dash label contains similar information to that required by S4.5.1(e)(3) other than the statement, “Never put a rear-facing child seat in the front.” However, this label does state that “The back seat is the safest place for children 12 and under,” and this label is a removable label which most likely will not stay on the vehicle once it is purchased. The statement, “Never put a rear-facing child seat in the front” is present on the permanent sun visor label, and thus is permanently visible to the vehicle user. Therefore, NHTSA agrees with BMW that this noncompliance will not result in decreased safety.

In consideration of the foregoing, NHTSA has decided that the petitioner has met its burden of persuasion that the noncompliance described is inconsequential to motor vehicle safety. Accordingly, BMW's petition is granted and the petitioner is exempted from the obligation of providing notification of, and a remedy for, the noncompliance.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at CFR 1.50 and 501.8)

Issued on: December 26, 2006.

**Daniel C. Smith,**

*Associate Administrator for Enforcement.*

[FR Doc. E6–22429 Filed 12–28–06; 8:45 am]

**BILLING CODE 4910–59–P**

#### DEPARTMENT OF TRANSPORTATION

##### Surface Transportation Board

[STB Docket No. MC–F–21019]

**Fenway Partners Capital Fund III, L.P., et al.-Control-Coach America Holdings, Inc., et al.**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice Tentatively Approving Finance Transaction.

**SUMMARY:** Fenway Partners Capital Fund III, L.P. (Fenway Partners), a noncarrier, and various subsidiary entities of Fenway Partners (collectively, applicants), have filed an application under 49 U.S.C. 14303 to acquire control of noncarrier Coach America Holdings, Inc. (Coach America), and 30 Coach America-controlled motor passenger carriers. Coach America currently controls through intermediate subsidiaries the following federally regulated motor carriers of passengers: America Charters Ltd.; American Coach Lines of Atlanta, Inc.; American Coach Lines of Jacksonville, Inc.; American Coach Lines of Miami, Inc.; American Coach Lines of Orlando, Inc.; CUSA LLC; CUSA ASL, LLC d/b/a Arrow Stage Lines; CUSA AT, LLC d/b/a Americoach

Tours; CUSA AWC, LLC d/b/a All West Coachlines; CUSA BCCAE, LLC d/b/a Blackhawk-Central City Ace Express; CUSA CC, LLC d/b/a Coach USA Los Angeles; CUSA CSS, LLC d/b/a Crew Shuttle Services; CUSA EE, LLC d/b/a El Expreso; CUSA ELKO, LLC d/b/a K-T Contract Services Elko; CUSA ES, LLC d/b/a Express Shuttle; CUSA FL, LLC d/b/a Franciscan Lines; CUSA FTT, LLC d/b/a Fun Time Tours; CUSA GCBS, LLC d/b/a Goodall's Charter Bus Service; CUSA GCT, LLC d/b/a Gulf Coast Transportation; CUSA KBC, LLC d/b/a Kerrville Bus Company; CUSA K-TCS, LLC d/b/a Coach USA and d/b/a Gray Line Airport Shuttle; CUSA K-TCS, LLC d/b/a Arizona Charters; CUSA PCSTC, LLC d/b/a Pacific Coast Sightseeing Tours & Charters; CUSA PRTS, LLC d/b/a Powder River Transportation Services; CUSA RAZ, LLC d/b/a Raz Transportation Company; Dillon's Bus Service Inc.; Florida Cruise Connection, Inc. d/b/a Cruise Connection; Midnight Sun Tours, Inc.; Southern Coach Company; and Southern Tours, Inc.<sup>1</sup> Persons wishing to oppose this application must follow the rules at 49 CFR 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

**DATES:** Comments must be filed by February 12, 2007. Applicants may file a reply by February 27, 2007. If no comments are filed by February 12, 2007, this notice is effective on that date.

**ADDRESSES:** Send an original and 10 copies of any comments referring to STB Docket No. MC-F-21019 to: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, send one copy of comments to the applicants' representative: Richard H. Streeter, Barnes & Thornburg LLP, 750 17th Street, NW., Washington, DC 20006-4675.

**FOR FURTHER INFORMATION CONTACT:** Eric S. Davis, (202) 565-1608 [Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339].

**SUPPLEMENTARY INFORMATION:** Fenway Partners is a Delaware limited partnership organized in 2005 by Fenway Partners, Inc. (Fenway), a private equity firm that invests in numerous different businesses, including other transportation-related

entities, through various limited partnerships and other investment entities. Fenway has \$1.6 billion under management. Fenway Partners owns all of the outstanding stock of Coach Am Holdings Corp. (Coach Am Holdings), a Delaware corporation organized to consummate this transaction. Coach Am Holdings in turn owns all of the stock of Coach Am Acquisition Corp. (Coach Am Acquisition), another Delaware corporation set up for purposes of this transaction. Coach Am Acquisition will be merged into Coach America, with Coach America left as the surviving company. Following the merger, Coach America will be wholly owned by Coach Am Holdings, and, indirectly, by Coach Am Holdings' parent, Fenway Partners. No operating authorities will be transferred as a result of the transaction.

Coach America, a Delaware corporation, controls the previously named federally regulated motor carriers through its subsidiaries Coach America Group, Inc., and KBUS Holdings, LLC. The motor carriers controlled by Coach America had gross operating revenues for the 12-month period ending October 31, 2006, greater than the \$2 million threshold required for Board jurisdiction (gross revenues of approximately \$330 million in 2005).

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction found to be consistent with the public interest, taking into consideration at least: (1) The effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

Applicants have submitted information, as required by 49 CFR 1182.2, including the information to demonstrate that the proposed transaction is consistent with the public interest under 49 U.S.C. 14303(b). They state that the proposed transaction will have no impact on the adequacy of transportation services available to the public, that the proposed transaction will not have an adverse effect on total fixed charges, and that there will be no material adverse impact on the employees of the Coach America-controlled carriers. Additional information, including a copy of the application, may be obtained from the applicants' representative.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated, and unless a final decision can be made on the record as developed, a

procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

*It is ordered:*

1. The proposed finance transaction is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this notice will be deemed as having been vacated.

3. This notice will be effective February 12, 2007, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 400 7th Street, SW., Room 8214, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW., Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW., Washington, DC 20590.

Decided: December 22, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

**Vernon A. Williams,**  
Secretary.

[FR Doc. E6-22307 Filed 12-27-06; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

#### Renegotiation Board Interest Rate; Prompt Interest Rate; Contract Disputes Act

**AGENCY:** Bureau of the Public Debt, Fiscal Service, Treasury.

**ACTION:** Notice.

**SUMMARY:** For the period beginning January 1, 2007, and ending on June 30, 2007, the prompt payment interest rate is 5¼ per centum per annum.

**DATES:** This notice announces the applicable interest rate for the January 1, 2007, to June 30, 2007, period.

**ADDRESSES:** Comments or inquiries may be mailed to Crystal Hanna, Senior Advisor, Borrowings Accounting Team,

<sup>1</sup> The application, as originally filed, also sought authority to control CUSA NC, LLC d/b/a Nevada Charters (Nevada Charters). Applicants subsequently advised the Board that Nevada Charters has voluntarily surrendered its interstate operating authority and that applicants no longer seek authority to control Nevada Charters.